

THOMAS F. KOEGEL (SBN 125852)
tkoegel@crowell.com
NATHANIEL P. BUALAT (SBN 226917)
nbualat@crowell.com
CROWELL & MORING LLP
275 Battery Street, 23rd Floor
San Francisco, California 94111
Telephone: 415.986.2800
Facsimile: 415.986.2827

CHRISTOPHER FLYNN (admitted *pro hac vice*)
cflynn@crowell.com
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595
Telephone: (202) 624-2500
Facsimile: (202) 628-5116

JENNIFER S. ROMANO (SBN 195953)
jromano@crowell.com
CROWELL & MORING LLP
515 South Flower Street, 40th Floor
Los Angeles, California 90071
Telephone: (213) 622-4750
Facsimile: (213) 622-2690

Attorneys for Defendants
UNITED HEALTH-CARE INSURANCE COMPANY
and UNITED BEHAVIORAL HEALTH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, on behalf
of themselves and all others similarly
situated, and BRIAN MUIR, on his own
behalf and on behalf of all others similarly
situated,

Plaintiffs,

v.

UNITEDHEALTHCARE INSURANCE
COMPANY and UNITED BEHAVIORAL
HEALTH (operating as OPTUMHEALTH
BEHAVIORAL SOLUTIONS),

Defendants.

Case No. 3:14-CV-02346-JCS

**DECLARATION OF NATHANIEL P.
BUALAT IN SUPPORT OF STIPULATION
AND [PROPOSED] ORDER REGARDING
(1) DEADLINES FOR PLAINTIFFS'
FILING OF AMENDED COMPLAINT
AND DEFENDANTS' RESPONSE TO
AMENDED COMPLAINT, (2) SETTING
BRIEFING SCHEDULE FOR ANY
RESPONSIVE MOTION, AND (3)
RESCHEDULING INITIAL CASE
MANAGEMENT CONFERENCE AND
RULE 26 DEADLINES**

1 I, Nathaniel P. Bualat, hereby declare as follows:

2 1. I am an attorney in the law firm of Crowell & Moring LLP, counsel for
3 Defendants United Healthcare Insurance Company and United Behavioral Health (collectively
4 “Defendants”). I make this declaration pursuant to Local Rule 6-2 and in support of the parties’
5 Stipulation and [Proposed] Order regarding (1) Deadlines for Plaintiffs’ Filing of Amended
6 Complaint and Defendants’ Response to Amended Complaint, (2) Setting Briefing Schedule for
7 Any Responsive Motion, and (3) Rescheduling Initial Case Management Conference and Rule
8 Deadlines (“Stipulation”). I have personal knowledge of the matters stated in this declaration,
9 and I could and would testify competently about them if called upon to do so.

10 2. On July 18, 2014, Defendants filed a Motion to Transfer Venue and a Motion to
11 Dismiss. On July 21, 2014, counsel for Plaintiffs David Wit, Natasha Wit, and Brian Muir
12 (collectively “Plaintiffs”) informed Defendants’ counsel that Plaintiffs intended to file an
13 amended complaint on August 18, 2014. The parties met and conferred between July 21 and 25,
14 2014 about (i) Plaintiffs’ intent to file an amended complaint, (ii) the impact of an amended
15 complaint on the pending Motion to Dismiss and Motion to Transfer Venue, (iii) the
16 inefficiencies that could be created by adherence to the previously suggested and approved
17 schedule; (iv) a schedule that would efficiently and expeditiously allow for resolution of
18 Defendants’ pending Motion to Transfer Venue and any motion filed in response to Plaintiffs’
19 proposed amended complaint; and (v) Rule 26 deadlines. The parties agreed upon the
20 Stipulation.

21 3. The extensions for Plaintiffs to file an amended complaint and Defendants to
22 respond to an amended complaint, the briefing schedule for any responsive motion to an amended
23 complaint, and the rescheduling of the CMC set forth in the Stipulation are necessary because
24 presumably any amended complaint Plaintiffs file will, like Plaintiffs’ current complaint, raise
25 issues relating to complex statutory schemes, various insurance agreements, and coverage
26 guidelines. For instance, the current complaint raises novel issues about the intersection of the
27 Employee Retirement Income Security Act of 1974 and the Mental Health Parity and Addiction
28 Equity Act of 2008 (*see* Complaint at 1-2), including numerous related regulations. In addition,

1 the alleged application of various insurance agreements and coverage guidelines are at issue
 2 based on those intersecting statutory schemes (*see, e.g.*, Complaint, ¶¶ 14-16, 20). Accordingly,
 3 Defendants likely will require additional time to analyze and respond to Plaintiffs' proposed
 4 amended complaint. If Defendants file a motion or motions in response to the amended
 5 complaint, Plaintiffs have requested additional time to oppose the motion(s) involving these
 6 complex issues of law and fact.

7 4. The schedule set forth in the Stipulation is also warranted because it limits
 8 conflicting obligations relating to the briefing set forth above and those relating to complying
 9 with Rule 26—including conducting a Rule 26(f) conference, submitting a report about the Rule
 10 26(f) conference, and exchanging disclosures under Rule 26(a)(1)—and because of the
 11 availability of counsel.

12 5. At this time, Defendants intend to keep their pending Motion to Transfer Venue on
 13 calendar with the existing briefing and hearing schedule. The pending transfer motion applies to
 14 the current operative complaint. And, until Plaintiffs file an amended complaint and Defendants
 15 can assess whether Plaintiffs have made materially different allegations relating the situs of
 16 material events in the amended complaint, Defendants cannot determine whether the pending
 17 motion to transfer would equally apply to an amended complaint. Defendants, however, reserve
 18 the right to withdraw the pending Motion to Transfer Venue and file a new motion to transfer
 19 venue, if warranted by the allegations in Plaintiffs' amended complaint. Defendants do not agree
 20 that any new motion to transfer venue should be subject to any briefing or hearing schedule set
 21 forth in the Stipulation.

22 6. The parties previously requested modifications to dates and deadlines on the
 23 schedule for this case. On June 16, 2014, the parties filed a Stipulation and [Proposed] Order,
 24 which (i) set the deadline for Defendants' responses to the Complaint for July 18, 2014, set the
 25 deadline for Plaintiffs' response to any motions filed by Defendants to August 18, 2014, set the
 26 deadline for any reply brief filed by Defendants to September 3, 2014, set a hearing for
 27 September 26, 2014 and (ii) rescheduled the Initial Case Management Conference and the
 28 deadlines imposed by Rule 26. On June 18, 2014, the Court entered an order that adopted the

1 schedule set forth in the parties' June 16, 2014 Stipulation. The schedule changed previously set
2 dates and deadlines for this case. There have been no other requested modifications.

3 7. The requested schedule set forth in the Stipulation would affect the schedule for
4 this case by extending Plaintiffs' time to file an amended complaint and Defendants' time to file a
5 responsive pleading to an amended complaint, establishing a briefing schedule for any motion
6 filed in response to an amended complaint, and rescheduling the CMC and related Rule 26
7 deadlines.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed this 25th day of July, 2014 in San Francisco, California.

10
11 /s/ Nathaniel P. Bualat
12 Nathaniel P. Bualat

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